

Christopher Fedeli

From: Garn, Jefferson <Jefferson.Garn@atg.in.gov>
Sent: Monday, December 30, 2013 4:15 PM
To: Christopher Fedeli
Subject: RE: Production - emails

Chris,

Just tried to give you a call but looks like you're out of your office.

Thanks for your email. With respect to Dr. Hersh's dissertation, I'm looking into a way that may get you what you want for as little money as possible and as quickly as possible.

With respect to the emails, I'll be around tomorrow if you'd like to talk about this more. But first, my apologies for the confusion. I thought I had said that I'd give you an update about the searches last week when I had written I'd give you an update last week. I was out unexpectedly for almost all of last week due to illness. Regardless, we've now reviewed over 1000 emails, so I still anticipate producing everything to you by January 8th since the holidays will be behind us and we'll be getting our clerks back soon. I hope to provide responsive documents yet this week, but given that I was in for a short day and other absences, I wasn't able to provide those today – it looks like there are only a handful of potentially responsive documents (fewer than 20) at this point.

As I said, I plan to be in tomorrow, so if you'd like to discuss this please give me a call.

Best regards,

Jeff

Jefferson Garn
Deputy Attorney General
Civil Litigation
302 West Washington St.
IGCS 5th Floor
Indianapolis, IN 46204
[317-232-6292](tel:317-232-6292) phone
[317-232-7979](tel:317-232-7979) fax

From: Christopher Fedeli [mailto:CFedeli@JUDICIALWATCH.ORG]
Sent: Monday, December 30, 2013 11:49 AM
To: Garn, Jefferson
Subject: RE: Production - emails

Jeff:

I have not yet received either additional documents or an update on Indiana's outstanding email production from you. In your email below, you agreed to provide me with either documents or an update last week. Also as discussed in

your email below, this agreement came after you failed to make another rolling production by the date we had discussed – December 18, 2013.

I'm growing concerned about Indiana's failure to produce documents in conformity with the schedules you and I have discussed. I'm also concerned that Indiana had only reviewed 400 off 6,000 documents by December 18, and has only produced documents on a rolling basis once in the last three months – on October 9, 2013. Naturally, if I cannot rely on your representations as to when Indiana will produce documents – or if you cannot make such representations accurately due to circumstances beyond your control – we will need to involve the Court to ensure Plaintiffs receive all discoverable emails from Indiana in a timely fashion, given the necessities of trial deadlines.

Please advise me on what Indiana plans to do differently with this production going forward, so that, in the future, your statements to me about when productions will occur will be more reliable. Of course, I also expect several substantial rolling productions of documents to occur between now and January 8 to allay my concerns in this regard.

Thank you,
Chris

From: Christopher Fedeli
Sent: Thursday, December 19, 2013 11:12 AM
To: 'Garn, Jefferson'
Subject: RE: Production - emails

Jeff,

Understood. Thanks for your agreement to continue to produce responsive documents on a rolling basis as you unearth them. As your review continues, I would expect that at some point next week you will have a batch of responsive documents to produce.

Regards,
Chris

From: Garn, Jefferson [<mailto:Jefferson.Garn@atg.in.gov>]
Sent: Wednesday, December 18, 2013 5:29 PM
To: Christopher Fedeli
Subject: Production - emails

Chris,

As you know, we had discussed providing further production today and anything remaining by January 8th. We've reviewed over 400 of nearly 6000 documents, but as of yet, we have not identified any responsive documents. As I mentioned in our call yesterday, I think this is because of the way the data were gathered and arranged, and expect that we'll find responsive documents as we progress through the emails.

While we're still early in our review, I expect that further review will be much faster because there was a lot of work we had to do on the front end, but I still expect to have our review completed and final production to you by January 8th. But given that we didn't find any responsive documents yet, I'll give you another update next week and provide any documents that we find then.

Best regards,

Jeff

Jefferson Garn

Deputy Attorney General
Civil Litigation
302 West Washington St.
IGCS 5th Floor
Indianapolis, IN 46204
317-232-6292 phone
317-232-7979 fax

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.